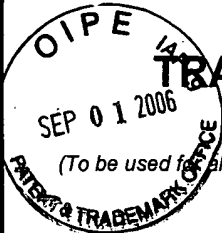


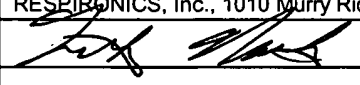
IFW 3731

Mail Stop Amendment  TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	09/930,582
	Filing Date	August 15, 2001
	Confirmation Number	3302
	Inventor(s)	DENYER et al.
	Group Art Unit	3731
	Examiner	Mendoza, M.
Total Number of Pages in This Submission:	7	Attorney Docket No. 00-41 C1 RCE 1


ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <small>(submit in duplicate)</small> <input type="checkbox"/> Fee Attached \$ <input type="text"/> Check No.: <input type="text"/> <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits / Declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Search report <input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Cover Sheet <input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s) <input type="checkbox"/> Request for Return of PTO-1449 Forms <input type="checkbox"/> Petition to the Commissioner <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Address <input type="checkbox"/> Terminal Disclaimer(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and cover sheet <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Request Letter <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to File Corrected Application Papers
<input type="checkbox"/> Other Enclosure(s): _____		

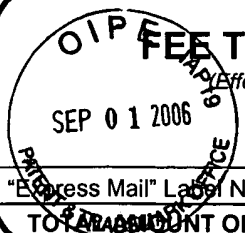
Current Due Date: None

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

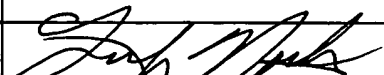
Individual and Company	Timothy A. Nathan, Reg. No. 44,256 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	
Date	August 29, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on this date: <u>August 29, 2006</u> .			
Typed Name	Timothy A. Nathan, Reg. No. 44,256		
Signature		Date	August 29, 2006

	FEE TRANSMITTAL <small>(Effective 12/08/2004)</small>		Application Number	09/930,582
			Filing Date	August 15, 2001
			First Named Inventor	DENYER et al.
			Confirmation Number	3302
			Group Art Unit	3731
			Examiner's Name	Mendoza, M.
"Express Mail" Label No. N/A		Attorney Docket No.	00-41 C1 RCE 1	
TOTAL AMOUNT OF PAYMENT		\$ 180.00		

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																						
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: <u>50-0558</u></p> <p>Deposit Account Name: <u>Respironics, Inc.</u></p> <p><input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17, 1.19 and 1.20 <input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18</p>	<p>3. APPLICATION SIZE FEE</p> <p>If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S. C. § 41(a)(1)(G) and 37 C.F.R. § 1.16(s).</p> <table style="width: 100%;"> <tr> <td style="text-align: center;">Total Sheets</td> <td style="text-align: center;">Extra Sheets</td> <td style="text-align: center;">Number of each additional 50 fraction thereof</td> <td style="text-align: center;">Fee(\$)</td> <td style="text-align: center;">Fee Paid(\$)</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">-100 = _____</td> <td style="text-align: center;">/50 = _____</td> <td style="text-align: center;">(round up to a whole number) X 250 =</td> <td style="text-align: center;">0.00</td> </tr> </table>	Total Sheets	Extra Sheets	Number of each additional 50 fraction thereof	Fee(\$)	Fee Paid(\$)	_____	-100 = _____	/50 = _____	(round up to a whole number) X 250 =	0.00																																																																																																																																												
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<p>2. <input type="checkbox"/> Payment Enclosed: Check (Check No. _____)</p>	<p>4. ADDITIONAL FEES</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Fee Code</th> <th style="text-align: left;">Entity Fee (\$)</th> <th style="text-align: left;">Small Fee Code</th> <th style="text-align: left;">Entity Fee (\$)</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or declaration</td><td></td></tr> <tr><td>1811</td><td>100</td><td>1811</td><td>100</td><td>Certificate of Correction</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>576</td><td>25</td><td>576</td><td>25</td><td>Additional filing receipt, duplicate or corrected due to applicant error</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for response within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for response within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for response within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for response within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1814</td><td>130</td><td>2814</td><td>65</td><td>Statutory Disclaimer</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Director</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td style="text-align: right;">180.00</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of property)</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination</td><td></td></tr> <tr><td>1504</td><td>300</td><td>1504</td><td>300</td><td>Publication Fee</td><td></td></tr> <tr><td colspan="5">Other Fee (specify) _____</td><td></td></tr> </tbody> </table>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or declaration		1811	100	1811	100	Certificate of Correction		1812	2,520	1812	2,520	For filing a request for reexamination		576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error		1251	120	2251	60	Extension for response within first month		1252	450	2252	225	Extension for response within second month		1253	1,020	2253	510	Extension for response within third month		1254	1,590	2254	795	Extension for response within fourth month		1255	2,160	2255	1,080	Extension for response within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1403	1,000	2403	500	Request for oral hearing		1452	500	2452	250	Petition to revive unavoidably abandoned application		1453	1,500	2453	750	Petition to revive unintentionally abandoned application		1501	1,400	2501	700	Utility issue fee (or reissue)		1502	800	2502	400	Design issue fee		1814	130	2814	65	Statutory Disclaimer		1460	130	1460	130	Petitions to the Director		1807	50	1807	50	Petitions related to provisional applications		1806	180	1806	180	Submission of Information Disclosure Stmt	180.00	8021	40	8021	40	Recording each patent assignment per property (times number of property)		1801	790	2801	395	Request for Continued Examination		1504	300	1504	300	Publication Fee		Other Fee (specify) _____					
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<p>1. BASIC FILING, SEARCH, AND EXAM FEES (Large Entity Only)</p> <table style="width: 100%;"> <thead> <tr> <th>Appl. Type</th> <th>Filing Fee(\$)</th> <th>Search Fee(\$)</th> <th>Exam Fee(\$)</th> <th>Fees Paid</th> </tr> </thead> <tbody> <tr><td>Utility</td><td>300</td><td>500</td><td>200</td><td></td></tr> <tr><td>Design</td><td>200</td><td>100</td><td>130</td><td></td></tr> <tr><td>Plant</td><td>200</td><td>300</td><td>160</td><td></td></tr> <tr><td>Reissue</td><td>300</td><td>500</td><td>600</td><td></td></tr> <tr><td>Provisional</td><td>200</td><td>0</td><td>0</td><td></td></tr> </tbody> </table> <p>SUBTOTAL (1) \$ 0.00</p>	Appl. Type	Filing Fee(\$)	Search Fee(\$)	Exam Fee(\$)	Fees Paid	Utility	300	500	200		Design	200	100	130		Plant	200	300	160		Reissue	300	500	600		Provisional	200	0	0		<p>2. CLAIMS</p> <table style="width: 100%;"> <thead> <tr> <th></th> <th>Extra Claims</th> <th>Fee from Below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims _____</td> <td>_____ x</td> <td>50 =</td> <td></td> </tr> <tr> <td>Ind. Claims _____</td> <td>_____ x</td> <td>200 =</td> <td></td> </tr> <tr> <td>Multiple Dependent Claims add</td> <td></td> <td>360 =</td> <td></td> </tr> </tbody> </table> <p>* Enter Highest Number Previous Paid For _____</p> <table style="width: 100%;"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>1202 50</td><td>2202 25</td><td>Claims in excess of 20</td></tr> <tr><td>1201 200</td><td>2201 100</td><td>Independent claims in excess of 3</td></tr> <tr><td>1203 360</td><td>2203 180</td><td>Multiple dependent claim</td></tr> <tr><td>1204 200</td><td>2204 100</td><td>Reissue independent claims over original patent</td></tr> <tr><td>1205 50</td><td>2205 25</td><td>Reissue claims in excess of 20 and over original patent</td></tr> </tbody> </table> <p>SUBTOTAL (2) \$ 0.00</p>		Extra Claims	Fee from Below	Fee Paid	Total Claims _____	_____ x	50 =		Ind. Claims _____	_____ x	200 =		Multiple Dependent Claims add		360 =		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	1202 50	2202 25	Claims in excess of 20	1201 200	2201 100	Independent claims in excess of 3	1203 360	2203 180	Multiple dependent claim	1204 200	2204 100	Reissue independent claims over original patent	1205 50	2205 25	Reissue claims in excess of 20 and over original patent																																																																																						
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SUBMITTED BY					
Typed or Printed Name	Timothy A. Nathan			Reg. Number	44,256
Signature				Date	August 29, 2006
				Deposit Account Number	50-0558



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : DENYER et al.
Appln. No. : 09/930,582
Conf. No.: : 3302
Filed: : August 15, 2001
Title: : CONTROLLING DRUG DELIVERY APPARATUS
Group Art Unit : 3731
Examiner : Mendoza, M.
Docket No. : 00-41 C1 RCE 1

* * * * *

August 29, 2006

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1450

Sir:


Attached is a Form PTO-1449 listing the enclosed documents.

Should a final Rejection or Notice of Allowance have been issued on the same day as or before the filing date of this Information Disclosure Statement, please consider this a Petition under Rule 97(d) (ii), charge the petition fee to our Deposit Account No. 05-0558 and proceed to consider this Information Disclosure Statement under Rule 97(d).

In compliance with 37 C.F.R. § 1.98, Applicant is not required to provide a copy of any U.S. Patent or U.S. Patent Application publication listed in the accompanying form PTO-

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on August 29, 2006 with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 09/930582 050558 09/930582


Timothy Nathan, Reg. No. 44,256

01 FC:1806

180.00 DA

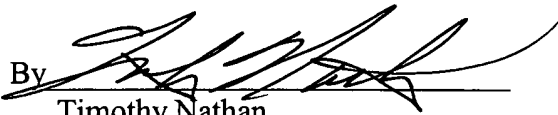
1449. However, Applicant will make available to the Examiner a copy of any document listed in the attached PTO-1449 form not otherwise available.

In accordance with 37 C.F.R. § 1.97 (g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO-1449 with the Examiner's initials in the left column per M.P.E.P. § 609 along with an early action on the merits of this application are earnestly solicited.

Respectfully submitted,

By 

Timothy Nathan

Reg. No.: 44,256

Tel. No.: (724) 387-4435

Respironics, Inc.
1010 Murry Ridge Lane
Murrysville, PA 15668-8525

PTO/SB/08 Form (RESPIRONICS Version) SEP 01 2006 INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application No.	09/930,582
		Filing Date	August 15, 2001
		Inventor	DENYER et al.
		Confirmation No.	3302
		Group Art Unit	3731
Date	August 29, 2006	Examiner:	Mendoza, M.
Sheet	1 of 2	Attorney Docket No:	00-41 C1 RCE 1

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
	A	4,984,158	01-08-1991	Hillsman	
	B	5,020,527	06-04-1991	Dessertine	
	C	5,237,987	08-24-1993	Bailey	
	D	5,404,871	04-11-1995	Goodman et al.	
	E	5,437,270	08-01-1995	Braithwaite	
	F	5,452,711	09-26-1995	Gault	
	G	5,483,953	01-16-1996	Cooper	
	H	5,590,648	01-07-1997	Mitchell et al.	
	I	5,593,390	01-14-1997	Castellano et al.	
	J	5,551,416	09-03-1996	Stimpson et al.	
	K	5,655,523	08-12-1997	Hodson et al.	
	L	5,657,748	08-19-1997	Braithwaite	
	M	5,685,291	11-11-1997	March	
	N	6,012,454	01-11-2000	Hodson et al.	
	O	6,082,544	07-04-2000	Romick	
	P	6,085,740	07-11-2000	Ivri et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code-Number-Kind Code				

Examiner Signature		Date Considered	
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EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609. Draw a line through the citation if not in conformance and not considered. Per MPEP § 609, include a copy of this form with the next communication to the Applicant.

PTO/SB/08 Form (RESPIRONICS Version)		Application No.		09/930,582	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Filing Date		August 15, 2001	
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Sheet	2	of	2	Attorney Docket No:	00-41 C1 RCE 1

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		Number-Kind Code (if known)			
	Q	6,158,431	12-12-2000	Poole	
	R	6,196,219	03-06-2001	Hess et al.	
	S	6,273,085	08-14-2001	Eisele et al.	
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